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Attorney for Jose Roberto

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

V.

JOSE ROBERTO,

Defendant.

Case No. 2:18-mj-878-PAL

**STIPULATION TO CONTINUE
BENCH TRIAL**

(Second Request)

IT IS HEREBY STIPULATED AND AGREED, by and between Nicholas A. Trutanich, United States Attorney, and Kevin Douglas Schiff, Assistant United States Attorney, counsel for the United States of America, and Rene L. Valladares, Federal Public Defender, and Monique Kirtley, Assistant Federal Public Defender, counsel for Jose Roberto, that the bench trial currently scheduled on January 30, 2019, at the hour of 8:45 a.m., be vacated and set to a date and time convenient to this Court, but no sooner than thirty (30) days.

This Stipulation is entered into for the following reasons:

1. Counsel for the defendant and the government are in continued plea negotiations. In the event the parties are unable to come to a negotiated resolution, additional time is necessary to allow parties to complete trial preparations.

2. The defendant is not in custody and does not oppose a continuance.

1 3. Additionally, denial of this request for continuance could result in a miscarriage
2 of justice. The additional time requested by this Stipulation is excludable in computing the time
3 within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United
4 States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code
5 §§ 3161(h)(7)(B) and 3161(h)(7)(B)(iv).

6 This is the second request for a continuance of the bench trial.

7 DATED this 24th day of January, 2019.

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9 RENE L. VALLADARES
10 Federal Public Defender

NICHOLAS A. TRUTANICH
United States Attorney

11 By _____
12 /s/ *Monique Kirtley*
13 MONIQUE KIRTLEY
14 Assistant Federal Public Defender

15 By _____
16 /s/ *Kevin Douglas Schiff*
17 KEVIN DOUGLAS SCHIFF
18 Assistant United States Attorney

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

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**FINDINGS OF FACT, CONCLUSIONS
OF LAW AND ORDER**

FINDINGS OF FACT

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. Counsel for the defendant and the government are in continued plea negotiations. In the event the parties are unable to come to a negotiated resolution, additional time is necessary to allow parties to complete trial preparations.

2. The defendant is not in custody and does not oppose a continuance.

3. Additionally, denial of this request for continuance could result in a miscarriage of justice. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code §§ 3161(h)(7)(B) and 3161(h)(7)(B)(iv).

CONCLUSIONS OF LAW

The ends of justice served by granting said continuance outweigh the best interest of the public and the defendant in a speedy trial, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for trial, taking into account the exercise of due diligence.

The continuance sought herein is excludable under the Speedy Trial Act, title 18, United States Code, Section 3161(h)(7)(A), when considering the facts under Title 18, United States Code, §§ 316(h)(7)(B) and 3161(h)(7)(B)(iv).

ORDER

IT IS THEREFORE ORDERED that the bench trial currently scheduled on Wednesday, January 30, 2019 at 8:45 a.m., be vacated and continued to March 6, 2019, at 8:45 a.m.

DATED this 25th day of January, 2019.

UNITED STATES MAGISTRATE JUDGE